

# BISHOP AND CHAPTER IN TWELFTH-CENTURY ENGLAND

*A Study of the Mensa Episcopalis*

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## INTRODUCTION

This book has as its purpose the study of the political and economic relations between the bishop and the chapter in the cathedral churches of twelfth-century England. In particular it is an essay on the historical development of the *mensa episcopalis* and the *mensa capitularis* which resulted in the gradual separation of the two endowments and the emergence of the chapter as a largely independent community of clergy. The word *mensa*, although difficult to define precisely in a single sentence, is used here to refer to the entirety of property and goods which, as capital and income, served to support the members of an ecclesiastical body. The chronological limits of the title should be taken as approximate and suggestive, rather than as absolute and determinate. Precisely dated years of change, and especially the tyranny of the century, rarely work out as well as they appear to do, or as those who use them intend that they should. Although its origins are to be found in the Anglo-Saxon period, the most important changes which affected the cathedral *mensa* occurred in the first hundred years after the Conquest. By the 1150s, in most of the sees, a permanent division of property had been made. Thus, in this case at least, there is justification for the suggestion of J. A. Sharpe, that "significant historical watersheds" tend to come in mid-century.<sup>1</sup> Nevertheless, the momentum of change reached by that point was such that many of the problems which arose, and needed to be solved, were in fact thrust forward into the next century, so that a satisfactory conclusion to the dispute over the *mensa* in many of the churches was not reached until well into the reign of Henry III, or even later.

The history of the *mensa* is of interest because of the light it throws on the internal structure and development of the episcopal church in this period of growing literacy and legal competence when the status, the obligations, and the rights of individuals and

<sup>1</sup> J. A. Sharpe, *Early Modern England. A Social History* (London 1986), preface, p. x.

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institutions were being subjected to increasingly precise definition. Greater attention in this regard often led to controversy and, on occasion, to violent quarrels. When the dispute grew heated and compromise seemed, for the moment, lost, nowhere were the battle lines more firmly drawn than in the cathedral churches.

The story is one of church doctrine and canon law, of jurisdictional tradition and innovation, of royal and papal interests and intervention, but, above all, of strong-minded personalities. It reveals the tendency in the twelfth century of different groups of men to form communities to protect and to advance their own interests, and it marks the separation of the bishop from the chapter in a more decisive way than ever before. In extreme cases the prelate was turned into a mere visitor, a distant official who was a stranger even to his own cathedral church. The story also illustrates the importance of the practical side of the daily life of the clergy to whom the questions of knight service, agricultural productivity, estate management, record-keeping and legal rights were of no less importance than the familiar sentiments of piety and devotion. The circumstances of the twelfth century development are full of interest and suggestion, not only in that they constitute an important political and economic record of the relationship between bishop and chapter and the growth of communal conflict in an age of increasing self-consciousness and self-concern, but also in that they form a human chronicle in which some of the leading ecclesiastical figures of the day played a part. The clergy, by the very nature of the life to which they have committed themselves, cannot fail to be dull. The dutiful sensibility, the self-effacement before a higher being, the rejection of the material world, the naïve self-confidence, and the studied promises of the faith bind them to a small circle of predictable thought and action. It is only when they leave the hermitage, as it were, for the greater world outside, when they are drawn into the governmental, social and economic issues of the day, or when they are brought into conflict with secular claims, that they reveal the more interesting side of their characters. In the long controversy over the *mensa* there is ample opportunity to see a number of gifted and intelligent churchmen at work.

As the chapter took on more of the attributes of a closed community, as it sought to define its functions and capacities, as it struggled not only to protect itself from a loss in revenues, but often aggressively to acquire new wealth, the consolidation of its

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patrimony on a legal basis was one of the more important tasks its members faced. The division of the *mensa* both resulted from and contributed to the growing independence of the cathedral clergy. The greater number of monks and canons who made up the cathedral chapters meant that increased revenues were necessary to support them, and a long rise in prices undoubtedly convinced them that the most beneficial administration was one in which they had a permanent stake. As for the bishop, a certain level of wealth was needed to maintain him, his household and expanding diocesan business. His chief sources of income were the lands of the church, and his own estates and churches. To these were added payments from judicial profits, feudal incidents, rights of hospitality, dues from parochial vacancies and the customary fees such as those for synods, chrism oil, and burials, the consecration of churches and the transfer of relics. At the same time his expenses, including outlays for repair of the fabric, new building costs, payments to the king and annuities to his friends and relatives, could be quite heavy. Thus it was that a recognized division of wealth grew from a convenience to a necessity, and sooner or later in every chapter, whether monastic or secular, an agreement of some kind was reached and a permanent separate endowment was made. It is with this aspect of the internal relations of the episcopal church that this study is concerned.

It should not, of course, be thought that dramatic conflict was the rule in the cathedral churches. As in the relations between the king and his barons, the periods of harmony and cooperation between bishop and chapter were probably greater over the long run than the fractious episodes which attracted most of the attention. On the other hand, it is evident that there was no single outlook shared by all the members of the community. While the monks or canons who served the church could, at times, act in unity toward the bishop, or the king, the idea that the cathedral clergy formed a cohesive and monolithic group is a myth that veils an often deeply rutted road of internal strife and faction.

Modern interest in the history of the *mensa* was opened up by Arnold Pöschl in a two-volume work on the Carolingian period published in 1908–1909, and by Emile Lesne whose doctoral thesis dealing with church property down to the Merovingians, and a supplementary thesis on the *mensa*, appeared in 1910.<sup>2</sup> Since then

<sup>2</sup> Arnold Pöschl, *Bischofsgut und Mensa episcopalis. Ein Beitrag zur Geschichte des kirchlichen Vermögensrechtes* (Bonn 1908–1909), vol. 1: *Die Grundlagen zugleich eine Untersuchung*

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the subject has attracted the attention of a number of scholars working on the history of the medieval church in general, or on the history of individual bishoprics and prelates in particular. On the continent a detailed examination of papal texts has been made by Dietrich Lohrmann for the evidence which they provide for the allocation of church property in the northern French provinces of Rouen, Sens, and Reims.<sup>3</sup> The division of the *mensa* has been discussed by Joseph Avril in a monograph on the twelfth-century diocese of Angers and by Tomás Villacorta Rodríguez in an account of the chapter at León;<sup>4</sup> the history in the German lands has been considered by Rudolf Schieffer;<sup>5</sup> the way in which the bishop of Florence, Pietro Mezzabarba, rented out the property of the chapter to his friends and clients, and consequently reduced the control of the chapter over its own *mensa*, was recently analyzed by George Dameron;<sup>6</sup> and the loss of independent jurisdiction by the chapter which then had to be regained from the bishop in the course of the twelfth century can be illustrated from the massive collection of documents dealing with the legal history of the see of Lausanne.<sup>7</sup>

In England, the great number of studies devoted to the medieval church which have appeared over the past half-century has

zum Lebensproblem; vol. II: *Die Güterteilungen zwischen Prälaten und Kapiteln in Karolingischer Zeit*; Emile Lesne, *Histoire de la propriété ecclésiastique en France*, 6 vols. (Paris 1910–1943), vol. I: *Epoques romaine et mérovingienne* (1910); *L'Origine des menses dans le temporel des églises et des monastères de France au ix<sup>e</sup> siècle* (Paris 1910).

<sup>3</sup> Dietrich Lohrmann, *Kirchengut im nördlichen Frankreich. Besitz, Verfassung und Wirtschaft im Spiegel der Papstprivilegien des 11.–12. Jahrhunderts*, Pariser historische Studien, Bd. 20. (Bonn 1983). The inventories of property in the papal privileges have to be used with care. They were often made up for a purpose and do not necessarily include all the possessions which belonged to the church in question. "The initiative in petitioning the papal curia," C. R. Cheney remarked, "rested with the local chapter which supplied the inventory of possessions," *Pope Innocent and England*, Papst und Papsttum 9 (Stuttgart 1976), p. 181. Often it was the case that some estates were not mentioned, or, if they were listed, the right to them may still have been in dispute, difficulties of which Lohrmann is well aware in his interpretation.

<sup>4</sup> Joseph Avril, *Le Gouvernement des évêques et la vie religieuse dans le diocèse d'Angers: 1148–1240* (Lille 1984). See also G. Robin, "Le Problème de la vie commune au chapitre de la cathédrale de Saint-Maurice d'Angers du IX<sup>e</sup> au XII<sup>e</sup> siècle," *Cahiers de Civilisation Médiévale* 13, 4 (1970), 305–322; Tomás Villacorta Rodríguez, *El Cabildo catedral de León. Estudio histórico-jurídico, siglo XII–XIX* (León 1974), pp. 351–358.

<sup>5</sup> Rudolf Schieffer, *Die Entstehung von Domkapiteln in Deutschland*, Bonner historische Studien, Bd. 43 (Bonn 1976).

<sup>6</sup> George W. Dameron, *Episcopal Power and Florentine Society: 1000–1320* (Cambridge, Mass. 1991), p. 52.

<sup>7</sup> *Sammlung schweizerischer Rechtsquellen, XIX. Les Sources du droit du Canton de Vaud, X<sup>e</sup>–XVI<sup>e</sup> siècle. B. Droits seigneuriaux et franchises municipales. 1. Lausanne et les terres épiscopales*, ed. Danielle Anex-Cabanis and Jean-François Poudret (Aarau 1977).

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provided a much clearer picture than ever before of the role of the bishop as ecclesiastical officer in his relations with the chapter, and as tenant-in-chief in his relations with the king. One thinks immediately of the work of David Knowles, Sir Richard Southern, Frank Barlow, C. R. Cheney, Christopher Brooke, M. Brett, and Raymonde Foreville, of the new series of episcopal *acta*, and of the studies of individual sees by G. Scammell, Mary Cheney, R. A. L. Smith, Donald Nichol, Avrom Saltman, Edward Kealey, F. Du Boulay, and others. With new approaches and revisionist criticism there have inevitably been divergent views, not least in regard to the formation of the cathedral endowments.

As a case in point, it has been held for many years that the division of the *mensa* in English cathedral churches occurred soon after the Conquest and that it was due to an effort to preserve the chapter lands from appropriation by William II during a vacancy in the see. In his valuable work on the history of Ely, published in the early nineteenth century, James Benthham described the division as a custom introduced by the Normans, and he was followed by a number of other scholars including J. A. Robinson and E. W. Watson in the early twentieth century.<sup>8</sup> More recently, David Knowles, in discussing the monastic history of the period, argued that "until the end of the eleventh century it is clear that no essential separation of abbot from community had taken place. The vital change was made in the reign of Henry I. The primary cause was the feudalization of the abbot's position and, above all, the claim of the king, asserted brutally and unjustly by Rufus, to hold and enjoy the revenues of a vacant abbey."<sup>9</sup>

A similar position was taken by Gabrielle Lambrick in her study of Abingdon abbey: "the strict division of revenues between abbot and convent was fundamentally the result of the feudalisation of the abbot's position in the late eleventh century and, at first, the chief problem was to establish the principle firmly as against the crown."<sup>10</sup> The thesis thus provides both the time and the motive for the separation of property, and it has been widely assumed to be valid. In a study of Herbert Losinga, bishop of

<sup>8</sup> James Benthham, *The History and Antiquities of the Conventual and Cathedral Church of Ely* (Norwich 1812–1817), vol. 1, p. 133; J. A. Robinson, *Somerset Historical Essays* (London 1921), p. 54; E. W. Watson, "The development of ecclesiastical organisation and its financial basis," in *CMH*, vol. vi, ch. xvi, p. 549. See also W. Stubbs, *The Constitutional History of England*, vol. 1 (Oxford 1874), p. 312, and E. A. Freeman, *The Reign of William Rufus and the Accession of Henry I* (Oxford 1882), vol. 1, p. 348. <sup>9</sup> *MO*, p. 405.

<sup>10</sup> G. Lambrick, "Abingdon abbey administration," *JEH* 17 (1966), 173.



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Norwich during the reigns of William II and Henry I, James Alexander dismissed the idea in the Norwich cartulary that the division was made to avoid future quarrels between the bishop and his monks, although the suggestion has much to recommend it, and maintained, rather, that "the real reason was probably to keep as much property as possible out of the royal hands during vacancies in the bishopric."<sup>11</sup> Yet Knowles himself recognized that the issue was more complicated than it appeared, and that the development in the monasteries and in the cathedral churches may have moved at a different pace: "as the bishop after the Conquest held by military service and had a household and many official expenses to provide for, the separation of episcopal lands and revenues from those of the monks was accomplished earlier than the equivalent division in the autonomous abbeys. Already before the Conquest, as is made clear by Domesday, some division, or at least a permanent allocation had been made."<sup>12</sup> Still, all is not as clear as one might wish and a number of questions remain to be answered. What was an "essential separation," and what was a "vital change"? How did "some division" differ from a "permanent allocation"? What was the time lag between division in the independent monasteries and the bishop's abbeys, and how much weight should be given to the theory based on the exercise of regalian right? Some answers have been suggested by a number of scholars, but with far from universal agreement.

Eric John, in a controversial article published in 1955, moved the date of separation in both the monasteries and cathedral abbeys back into the Old English period and denied the importance, as far as the monks were concerned, of intervention by the king.<sup>13</sup> In a later study, Margaret Howell also played down the motive of regalian right and, while willing to admit a tendency toward a late eleventh-century mensal division, she showed that the process was carried along well into the twelfth.<sup>14</sup> Edmund King went even

<sup>11</sup> J. W. Alexander, "Herbert Losinga, bishop of Norwich, 1091-1119," *SMRH* 6 (1969), 134. See also M. M. Sheehan, *The Will in Medieval England from the Conversion of the Anglo-Saxons to the End of the Thirteenth Century*, Studies and Texts, 6 (Toronto 1963), p. 251, and A. Gransden, "A democratic movement in the abbey of Bury St. Edmunds in the late twelfth and early thirteenth centuries," *JEH* 26 (1975), 26.

<sup>12</sup> *MO*, p. 625.

<sup>13</sup> Eric John, "The division of the *mensa* in early English monasteries," *JEH* 6 (1955), 143-155.

<sup>14</sup> Margaret Howell, "Abbatial vacancies and the divided *mensa* in medieval England," *JEH* 33 (1982), 173-192, and the same author's *Regalian Right in Medieval England* (London 1962), pp. 14-15.

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further and argued that the whole development of a separate endowment and separate jurisdiction was too intricate and too far-reaching a change to be ascribed to a single cause. In the case of Peterborough abbey, he found that a divided *mensa* offered no protection to the monks *sede vacante*.<sup>15</sup> Frank Barlow, while he was willing to see a pre-Conquest division, at least in the secular cathedrals, was at some pains to exonerate William Rufus from the charge of maliciously assaulting vacant sees and, therefore, by implication, from the responsibility for the separation.<sup>16</sup> In a study of the Westminster abbey endowment, Barbara Harvey concluded that a permanent division occurred only in the thirteenth century and considered regalian right to be a secondary issue.<sup>17</sup>

Clearly there is sufficient disagreement on when and why and how the *mensa* was divided and separate endowments constituted to warrant another, closer look. It was obvious that this could not be done successfully by confining the study to a single see which might then serve as a model for the others.<sup>18</sup> The distinctions between the monastic and secular cathedrals, the peculiarities of individual chapter histories, and the fundamental importance of key personalities precluded such an approach. This book, therefore, is the first attempt at a detailed comparison of all the English bishoprics in the twelfth century in order to expose the main lines of the mensal development. Of fundamental importance is the question of whether a division of property meant independent control of that property. It has generally been assumed that the assignment of assets to the chapter carried with it the right to

<sup>15</sup> Edmund King, *Peterborough Abbey: 1086–1310. A Study in the Land Market* (Cambridge 1973), p. 88.

<sup>16</sup> Frank Barlow, *The English Church 1 (1000–1066)* (2nd edn., London 1979), pp. 239–240, and his *William Rufus* (London 1983), pp. 181–182.

<sup>17</sup> Barbara F. Harvey, *Westminster Abbey and its Estates in the Middle Ages* (Oxford 1977), p. 87.

<sup>18</sup> As a case in point, in a recent discussion of the early Anglo-Norman episcopate in the time of William II, Walter Fröhlich concludes that “the possessions of the church and those of the cathedral chapters were separated from each other, thus enabling the cathedral chapters to be more independent and less likely to suffer arbitrary changes by future bishops and to enjoy legal protection against royal exactions.” Aside from a good deal of uncertainty in terminology (what were the *possessions* of the church? What was the difference between the *church* and the *chapter*? What did it mean to be *more independent*? What were the *arbitrary changes* that one might expect? What sort of *legal protection* was available?), the only reference given for this statement is to the *Life of Gundulf*. This ties the whole development to examples from Rochester and excludes important differences found in other churches. Walter Fröhlich, “Anselm and the bishops of the province of Canterbury,” in *Les Mutations socio-culturelles au tournant des XI<sup>e</sup>–XII<sup>e</sup> siècles*, Etudes Anselmiennes 4, CNRS (Paris 1984), p. 127.

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administer principal and income apart from the bishop. But as this study will show, there is a distinction to be made between allocation and jurisdiction, and that the history of the *mensa* in the formative period of the twelfth century was one in which the chapter only gradually came to the point of being able to treat its property as its own.

A second point of interest is that it is perfectly true that in many instances the bishop himself was more of a threat to the independence of the chapter than the king. On a number of occasions the issue of regalian right *sede vacante* was of less concern than the aggressive attitude adopted by the prelate when he was in office.

Finally, there is the question of how the chapter developed from a loosely organized community into a separate and independent-minded corporate entity largely in the course of the late twelfth and thirteenth centuries. This change can be followed in most of the cathedral churches using as key elements the extent of the lands set aside for the use of the members of the chapter; the administrative control which they were able to exercise over their property exclusive of the bishop; their right to elect the bishop, and the dean or prior; charters or writs addressed to them rather than to them jointly with the bishop, or merely to the bishop; their right to alienate property; their ability to exclude the bishop from choir and church; the use of a separate chapter seal; and the construction of a separate chapter house as part of the cathedral architectural ensemble. The division of revenues, for instance, was tied closely to the accumulation of wealth, as well as to the separation of the functions of bishop and chapter and to the specialization of operations which, in the abbeys, developed into the obedientiary system. In every case, there is an equally close tie to the idea of a separate community. In the long run, the growth of the independent chapter based on a mensal division in the twelfth century was the fundamental development which allowed the efficient organization and exploitation of ecclesiastical property in the thirteenth. The system of centralized estate management instituted under the prior, Henry Eastry, at Christ Church, Canterbury, for example, which not only reduced the convent's debt, but increased its profits, would not have been possible without the earlier struggle to define a separate endowment.<sup>19</sup>

<sup>19</sup> R. A. L. Smith, *Canterbury Cathedral Priory. A Study in Monastic Administration* (Cambridge 1943), pp. 53–54; Knowles, *MO*, p. 304 and *The Religious Orders in England*, vol. 1 (Cambridge 1960), pp. 42–63.

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A wide variety of sources has been drawn upon in the course of this investigation, including chronicles, narrative histories, letters, papal privileges, doctrinal tracts, and contemporary surveys, but the basic material has been found in the large number of extant charters. They comprise a type of evidence which is not without its problems, particularly in view of the high incidence of forgeries, the fact that many of the documents were drawn up by the beneficiaries, or their scribes, and that they invariably post-date the grant which they serve to confirm. Nevertheless, in the absence in medieval England of bishop's registers before 1200, and of chapter books before 1300, and with very few documentary sources for the careers of the twelfth-century prelates or their real-estate transactions, the charter evidence forms the bed-rock upon which any institutional study of this kind must rest.